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#4

In re Application of
GHANEA-HERCOCK *et al*
U.S. Application No.: 09/700,175
PCT No.: PCT/GB99/01329
Int. Filing Date: 29 April 1999
Priority Date: 13 May 1998
Attorney Docket No.: 36-1527
For: REMOTE COMPUTING

DECISION

This is a decision on applicants' "Submission of Completion Papers With Corrected Inventorship" filed on 01 June 2001, requesting to add Stephen Leslie Corley and Martin John Owen as inventors in the above-captioned application.

BACKGROUND

On 29 April 1999, applicants filed international application No. PCT/GB99/01329 claiming priority to a British patent filed 13 May 1998. A copy of the international application was communicated from the International Bureau to the United States Patent and Trademark Office on 18 November 1999.

On 09 November 1999, a Demand was filed with the International Preliminary Examination Authority electing the United States. The election was made prior to the expiration of 19 months from the priority date. Accordingly, the deadline for submission of a copy of the international application and payment of the basic national fee was extended to expire thirty months from the priority date, *i.e.*, 13 November 2000.

On 13 November 2000, applicants filed a transmittal letter for entry into the national stage in the United States under 35 U.S.C. 371 which was accompanied by, *inter alia*, the basic national fee and the surcharge fee pursuant to 37 CFR 1.492(e).

On 01 December 2000, the United States Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that a declaration in compliance with 37 CFR 1.497(a) and (b) was required. Applicants were given one month to respond with extensions of time available.

On 01 June 2001, applicants filed a "Submission of Completion Papers with Corrected Inventorship" along with an "Assignment," a "Statement Under 37 C.F.R. §1.497(d)(1) of Additional Inventors" signed by Mr. Corley and Mr. Owen, a "Consent of Assignee to Added Inventors Under 37 C.F.R §1.497(d)(3)" signed by Barry G.W.

Lloyd, IPR Manager of British Telecom, an executed declaration, a check in the amount of \$1930.00 for the \$130.00 processing fee and \$1,890.00 extension fee, and authorization to charge any additional fees to Deposit Account No. 14-1140 as required.

DISCUSSION

37 CFR 1.497(d) applies when the inventorship in a national stage application filed under 35 U.S.C. 371 differs from that set forth in the international application (see 37 CFR 1.48(f)(1)). 37 CFR 1.497(d) states, in part:

(d) If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, the oath or declaration must be accompanied by:

- (1) A statement from each person being added as an inventor . . . that any error in inventorship in the international application occurred without deceptive intention on his or her part;
- (2) The processing fee set forth in § 1.17(l); and
- (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignees.

Here, applicants included two separate documents titled "Statement Under 37 C.F.R. §1.497(d)(1) of Additional Inventors" ("Statement") both listing Stephen Leslie Corley and Martin John Owen as additional joint inventors. Each Statement declares that "each of us added inventors does now hereby state that any error in inventorship in the international application occurred without deceptive intention on my part." These Statement's are signed by Mr. Corley and Mr. Owen respectively and satisfy item (1) of 37 CFR 1.497(d).

The processing fee of \$130.00 has been paid. Item (2) above is also satisfied.

Applicants included an "Assignment" signed by all four inventors granting British Telecom PLC an assignment in the above-captioned application and a "Consent of Assignee" signed by Barry G.W. Lloyd, IPR Manager of British Telecom PLC who states that "BT hereby consents to the addition of inventors CORLEY and Owen. The undersigned has authorization to act on behalf of BT in this matter." This document satisfies item (3) above.

Accordingly, applicants have met all of the requirements to add Mr. Corley and

Mr. Owen as inventors in the above-identified international application.

CONCLUSION

For the reasons discussed above, the submission under 37 CFR 1.497(d) to add Mr. Corley and Mr. Owen as inventors is hereby **GRANTED**.

The declaration submitted with the instant papers is in compliance with 37 CFR 1.497(a) & (b). Therefore, applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 29 April 1999, under 35 U.S.C. 363, and a 35 U.S.C. 371(c) date of **01 June 2001**.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.



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